



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,438	06/14/2001	Randy De Meno	044463.0031	8825
29858	7590	08/23/2006	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022			TO, JENNIFER N	
			ART UNIT	PAPER NUMBER
			2195	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,438

Applicant(s)

MENO ET AL.

Examiner

Jennifer N. To

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter in which the applicant regards as his invention.

3. Claims 1-7, 11, and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The claim language in the following claims is not clearly understood:

- i. as per claim 1, lines 11-12, it is not clearly understood what is meant by "one of such predetermined patterns being separate storage of a file and the file's corresponding profile" (i.e. separate storage for each set of file and file's corresponding profile or storage of file and file's corresponding profile are separated).
- ii. as per claim 4, lines 1-2, it is not clearly understood what is meant by "the separate storage by the storage management module" (i.e. the separate storage that managed by the storage management module).
- iii. as per claim 7, lines 1-3, it is not clearly understood what is meant by "the profile is retrieved prior to the file and set up the software application in preparation for receipt of the file".

Art Unit: 2195

iv. as per claim 11, it had the same deficiency as claim 4 above.

Appropriate correction is required.

v. as per claim 15, lines 3-5, it is not clearly understood what is meant by "using a software application to create a first instance of a file and that specifies file parameters associated with a previous instance of the file instance with each access of the file instance (i.e. the software application specifies file parameters or a first instance of a file specifies file parameters). Line 15, it is uncertain what is the "the retrieved profile" refer to (i.e. the retrieved associate profile).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipate by Dourish et al. (hereafter Dourish) (U.S. Patent No. 6253217).

Art Unit: 2195

6. As per claim 1, Dourish teaches the invention as claim including a computing system comprising:

a processor for operating a software application in the computer system (Dourish inherently teaches this limitation);

the software application providing for creation, storage, and retrieval of a file, the file having an associated profile that specifies parameters associated with a previous instance of the file used by the software application for at least the purpose of preparing the software application to display the file upon its retrieval by the software application (figs. 1, 4-5; abstract; col. 8, lines 49-58; col. 9, line 59 through col. 10, line 6 col. 10, lines 36-48; col.11, lines 10-52);

a plurality of storage media that are communicatively coupled to the processor (fig. 3; col. 11, lines 1-9); and

a storage management module that distributes stored files and associated profiles among the plurality of storage media according to predetermined patterns, one of such predetermined patterns being separate storage of a file and the file's corresponding profile (col. 9, lines 7-13; col. 11, line 66 through col. 12, line 40);

7. As per claim 2, Dourish teaches that wherein at least one of the plurality of storage media is located locally (col. 11, lines 1-9).

8. As per claim 3, Dourish teaches that wherein at least one of the plurality of storage media is located remotely (fig. 3; col. 11, lines 1-9).

Art Unit: 2195

9. As per claim 4, Dourish teaches that wherein the separate storage by the storage management module is configured to provide more rapid retrieval of the profile than of the file associated with the profile (col. 12, lines 23-39).

10. As per claim 5, Dourish teaches that wherein the profiles that are stored among the plurality of storage media comprise different profiles for different versions of a corresponding file (col. 11, lines 25-51).

11. As per claim 6, Dourish teaches that wherein the storage management module provides concurrent access of the profile and the file (col. 12, lines 23-34).

12. As per claim 7, Dourish teaches that wherein the profile is retrieved prior to the file and sets up the software application in preparation for receipt of the file (col. 13, line 62 through col. 14, line 14).

13. As per claims 8-14, they are rejected for the same reason as claims 1-7 above.

14. As per claim 15, Dourish teaches the invention as claim including a method for storage and retrieval in a computer system comprising:

using a software application to create a first instance of a file and that specifies files parameters associated with a previous instance of the file instance

Art Unit: 2195

with each access of the file instance, a new profile being created at least each time the file is saved that includes parameters specific to that particular instance (figs. 1, 4-5; abstract; col. 8, lines 49-58; col. 9, line 59 through col. 10, line 6 col. 10, lines 36-48; col.11, lines 10-52);

sending the file, with the software application, to a storage management module that manages storage of the file with the associated profile (figs. 1, 4-5; abstract; col. 8, lines 49-58; col. 9, line 59 through col. 10, line 6 col. 10, lines 36-48; col.11, lines 10-52);

storing the file and the associated profile to separate storage locations in the computer system (col. 9, lines 7-13; col. 11, line 66 through col. 12, line 40);

requesting the retrieval of the file with the software application such that the storage management module retrieves the file and the associated profile as though the file and the associated profile were located in a single position (col. 9, lines 7-13; col. 11, line 66 through col. 12, line 40); and

formatting the software application in accordance with the parameters specified in the profile with the retrieved profile prior to display of the file with the software application (col. 12, line 41 through col. 13, line 30).

15. As per claim 16, Dourish teaches that wherein the software application is selected from the group consisting of a word processor, an engineering graphics program, a standard graphics program, a database, and a web browser (col. 10, lines 56-64).

Art Unit: 2195

16. As per claim 17, Dourish teaches that wherein different profile is stored with the storage of each version of the file as the file is created (col. 11, lines 25-51).

17. As per claim 18, Durish teaches that wherein the storage management module distributes different files and file versions in a first set of storage media and stores different profiles for each of the files and version of those files in a second set of storage media (col. 11, lines 25-51).

Response to Arguments

18. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gautestad (U.S. patent No. 7039860), DeGraaf (U.S. Patent No. 5740405), Leong et al. (U.S. Patent No. 6557039), Probert et al. (U.S. Patent No. 6549918), Weschler (U.S. Patent No. 6470332), Kumar et al. (U.S. Patent No. 6343287), and Hayes (U.S. Patent No. 6108712) teach system and method for profiles services.

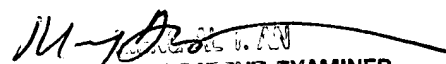
Art Unit: 2195

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer N. To
Examiner
Art Unit 2195


SUPERVISORY PATENT EXAMINER
Art Unit 2195